

LPA No. 47 of 2007.

3.8.2007 Present: Pt. Om Parkash, Advocate, for the petitioner-appellant.
Mr. Sandeep Sharma, Asstt. Solicitor General of India, for
The respondents.

CMP(M) No. 492 of 2007.

After hearing Pt. Om Parkash, learned counsel for the petitioner-appellant and Mr. Sandeep Sharma, learned Asstt. Solicitor General of India, we feel inclined to allow this application because we are satisfied that the appellant has been able to explain in filing the appeal. The delay is condoned. The appeal shall be treated to have been filed in time. The application is accordingly allowed. The appeal taken up today for consideration.

LPA No. 47 of 2007.

Heard Pt. Om Parkash, learned counsel for the appellant and Mr. Sandeep Sharma, learned Asstt. Solicitor General of India. We have gone through the impugned judgment of the learned Single Judge and find that he has dismissed the Writ Petition filed by the appellant- Writ Petitioner on the ground that all procedural requirements were duly complied with and followed at the time of trial by the Summery Court Martial of the appellant- petitioner. We have also seen the charge sheet against the appellant- Writ Petitioner. He was charged under Section 46A of the Army Act for indulging in an indecent behaviour with indecent intent

with respect to a cadet working in the school. Actually the punishment meted out to the appellant cannot be said to be on the higher side at all.

No interference is called for. The appeal is dismissed in limine.

(V.K. Gupta), C.J.

August 3, 2007.
(rks)

(Rajiv Sharma), J.